IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY

NOTICE OF MOTION NO.68 OF 2005
IN
INSOLVENCY NOTICE NO.N/37 OF 2005

Re:Sukhdev Gangaram Jadhwani & Ors...Judgment Debtors

Exparte: Amrita Investments....Judgment Creditors

Mr.R.A.Shah for Judgment Creditirs
Mr. Amit Sheth for Judgment Debtor No.1.

CORAM: F.I. REBELLO, J.
DATE : 16th August, 2005

P.C.: . A decree was obtained on failure to comply with the conditional order passed in Summary Suit. The decree was both against the judgment debtor No.1 as also against judgment debtor No.2 exparte.

2. Notice has been served on both the judgment debtors. This is a Motion by the judgment debtor No.1 to set aside the notice. It is contended on behalf of the judgment debtor that he is taking steps to file an appeal against the order whereby the decree was passed against him. The affidavit to that effect was sworn on 20th April, 205. Till date no appeal has been preferred. Apart from that as has now been pointed on behalf of the judgment creditors the decree was not exparte against the judgment debtor No.1, but on failure to pay the amount in terms of the conditional order of this Court.

3. Considering that this is the only contention and as the judgment debtor No.1 inspite of knowing the fact that he has to file an Appeal as set out in the order of this Court till date has taken no steps the question of granting any further time would not arise. There is no merit in this Motion. Motion dismissed.

(F.I.REBELLO, J.)